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Paper No.

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SEP 30 2004

OFFICE OF PETITIONS

In re Application of	:	
Chandler et al.	:	
Application No. 10/804,451	:	DECISION ACCORDING STATUS
Filed: March 19, 2004	:	UNDER 37 CFR § 1.47(a)
Attorney Docket No. 5868-02804	:	
Title: CREATION OF A DATABASE OF	:	
BIOCHEMICAL DATA AND METHODS OF USE:	:	

This is a decision on the PETITION UNDER 37 C.F.R. § 1.47(a),
filed September 7, 2004.

The petition is **GRANTED**.

The above-identified application was filed on March 19, 2004, without an executed oath or declaration. Accordingly, on June 7, 2004, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for late filing. This Notice set a period for reply of two months from the mailing date of the Notice, with extensions of time obtainable under § 1.136(a).

In response, rule 47 applicant filed the instant petition (and fee); the late surcharge; and a declaration executed by inventor Van Chandler on behalf of himself and on behalf of non-signing joint inventor Mark Chandler. This response was made timely by an accompanying petition and fee for extension of time for response within the first month. Rule 47 applicant maintains that status under 37 CFR 1.47 is proper because joint inventor Mark Chandler refuses to join in the application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

By statement of facts of patent agent Ann Marie Mewherter, and supporting documentary evidence, petitioner has shown that the non-signing inventor has, by his conduct, refused to join in the filing of the above-identified application after having been presented with the application papers. The petition includes

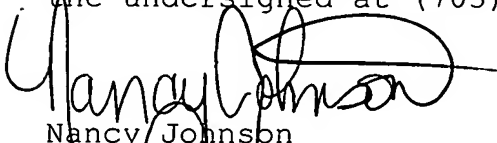
payment of the petition fee and the last known address of inventor Chandler.

The declaration filed September 7, 2004, and the petition have been reviewed and found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized loop at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions